IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE

APPEAL NO.1035 OF 2005
IN
NOTICE OF MOTION NO.962 OF 2005
IN
ORDINARY SUIT NO.931 OF 2005

Yasmin Feroz Khan — Appellant
vs.
Naseem Roshan Ali & anr. — Respondents

Mr.Chirag Balsara i/b.Mr.Rachana Kantawala for the appellant.

Mr. K.J.Presswala i/b.M/s.Mahendra Patel & Associates for the respondent no.1.

Mr.Sanjay Jain i/b.Mr.Z.H.Zaidy for the respondent no.2.

CORAM : R.M. LODHA &
D.G. KARNIK, JJ.

DATED : 23rd December 2005

P.C.

After having heard Mr.Chirag Balsara, the learned counsel for the appellant, we are satisfied that the impugned order does not call for any interference.

2. Appeal is accordingly dismissed in limine.

3. However, we are of the view that notice of motion no.962/2005 deserves to be heard at an early date. We grant liberty to the appellant-original plaintiff to apply to the learned motion Judge for fixing the date of

the hearing of the notice of motion. We observe that if such an application is made, the learned motion Judge shall fix the hearing of notice of motion as early as possible as may be convenient.

(R. M. LODHA, J.)

(D. G. KARNIK, J.)